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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Case No. 1:19-cr-227  
(LVJ)

v.

February 15, 2024

JOSEPH BONGIOVANNI,

Defendant.

TRANSCRIPT EXCERPT - DIRECT & REDIRECT EXAMS OF DALE KASPRZYK  
BEFORE THE HONORABLE LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1 LAW CLERK: **REBECCA FABIAN IZZO, ESQ.**

2 COURT DEPUTY CLERK: **COLLEEN M. DEMMA**

3 COURT REPORTER: **ANN MEISSNER SAWYER, FCRR, RPR, CRR**  
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5 Buffalo, New York 14202  
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6

7 \* \* \* \* \*

8

9 (Excerpt commenced at 3:45 p.m.)

10 (Jury is present.)

03:45PM 11 **THE COURT:** You can call your next witness, please.

03:45PM 12 **MR. DICKSON:** The government calls Dale Kasprzyk.

03:45PM 13

03:46PM 14 **D A L E K A S P R Z Y K,** having been duly called and sworn,  
03:46PM 15 testified as follows:

03:46PM 16 **MR. DICKSON:** May I proceed, Judge?

03:46PM 17 **THE COURT:** You may.

03:46PM 18

03:46PM 19 **DIRECT EXAMINATION BY MR. DICKSON:**

03:46PM 20 Q. Good afternoon, sir.

03:46PM 21 A. Good afternoon.

03:46PM 22 Q. Will you please introduce yourself to the members of the  
03:46PM 23 jury?

03:46PM 24 A. Hi. My name is Dale Kasprzyk.

03:46PM 25 Q. Where do you live?

03:46PM 1 A. I currently live in Estero, Florida.

03:46PM 2 Q. How long have you lived there?

03:47PM 3 A. Three and a half months.

03:47PM 4 Q. Prior to living in Florida, where did you live?

03:47PM 5 A. I spent most of my life here in Western New York. Most

03:47PM 6 recently, I lived in Orchard Park, New York.

03:47PM 7 Q. What do you do for a living, Mr. Kasprzyk?

03:47PM 8 A. Currently, I'm the head of the financial investigations

03:47PM 9 unit for M&T Bank.

03:47PM 10 Q. How long have you been doing that?

03:47PM 11 A. Approximately ten years.

03:47PM 12 Q. I want to take you back to 2009, Mr. Kasprzyk. Where

03:47PM 13 were you working in 2009?

03:47PM 14 A. I was working for the Drug Enforcement Administration

03:47PM 15 assigned to the Buffalo resident office.

03:47PM 16 Q. And if I call the Drug Enforcement Administration the

03:47PM 17 DEA, will you understand what I'm talking about?

03:47PM 18 A. Yes, sir.

03:47PM 19 Q. Okay. Back in 2009, while you were with the DEA, what

03:47PM 20 was your job?

03:47PM 21 A. At that time, I was a group supervisor.

03:47PM 22 Q. What's a group supervisor?

03:47PM 23 A. A group supervisor works as a manager for a team of

03:48PM 24 agents and task force agents.

03:48PM 25 Q. What kinds of responsibilities does a group supervisor

03:48PM 1 have?

03:48PM 2 A. I work with the agents, I ensure that they're conducting  
03:48PM 3 investigations, that they're developing informants,  
03:48PM 4 developing cases, cases that would target drug traffickers  
03:48PM 5 who are violating the Controlled Substances Act.

03:48PM 6 Q. How many special agents were you responsible for  
03:48PM 7 supervising back in 2009?

03:48PM 8 A. I would say the -- the overall size of the group was  
03:48PM 9 around 12 or 13, but that included a combination of both  
03:48PM 10 agents and task force agents. I -- I -- I'm thinking back, I  
03:48PM 11 would say probably five or six of that group were agents.

03:48PM 12 Q. Did that particular group that you supervised, did it  
03:48PM 13 have a number associated with it?

03:48PM 14 A. I believe it was D-57, Delta 57.

03:49PM 15 Q. Okay. Now, back in 2009, Mr. Kasprzyk, did the DEA have  
03:49PM 16 particular drugs that it was interested in investigating?

03:49PM 17 A. I would say our focus in 2009 was predominantly cocaine,  
03:49PM 18 crack cocaine, heroin. That was our general focus then.

03:49PM 19 Q. Would the DEA also investigate certain marijuana cases?

03:49PM 20 A. Yes, sir.

03:49PM 21 Q. Mr. Kasprzyk, do you know somebody named Joseph  
03:49PM 22 Bongiovanni?

03:49PM 23 A. Yes.

03:49PM 24 Q. How do you know him?

03:49PM 25 A. At the time, in 2009, Joe was working for me as a special

03:49PM 1 agent.

03:49PM 2 Q. Do you remember when you first met the defendant?

03:49PM 3 A. I met Joe when he came to Buffalo. I had been in Buffalo  
03:49PM 4 working as an agent. It was my understanding that Joe had  
03:50PM 5 initially, after leaving agent school, Joe was down in  
03:50PM 6 Florida, I believe Miami, and then came back up to Buffalo.

03:50PM 7 And that's when I first met Joe, when he came to Buffalo.

03:50PM 8 Q. At that point in time, do you remember how long you had  
03:50PM 9 been in the Buffalo office?

03:50PM 10 A. I would say eight or nine years, arrived in Buffalo in  
03:50PM 11 1989.

03:50PM 12 Q. Now you mentioned that you were the defendant's  
03:50PM 13 supervisor at some point in time. Can you tell the jury,  
03:50PM 14 when were you the defendant's supervisor?

03:50PM 15 A. I was the -- the -- his direct supervisor when I -- when  
03:50PM 16 I was promoted as a group supervisor in the agent's group,  
03:50PM 17 the Delta 57 group.

03:50PM 18 I was also, after -- after being a group supervisor for a  
03:50PM 19 couple years, I was then promoted to the resident agent in  
03:50PM 20 charge of the office. And at that point, I didn't directly  
03:50PM 21 supervise Joe, but I managed the entire office.

03:51PM 22 Q. Can you describe for the jury, back in 2009, what was  
03:51PM 23 your relationship with the defendant like?

03:51PM 24 A. It was a professional relationship. We -- we worked  
03:51PM 25 together. I saw Joe frequently, every day. I would see Joe

03:51PM 1 as part of our day-to-day job working in DEA.

03:51PM 2 Q. Was he one of your personal friends?

03:51PM 3 A. No.

03:51PM 4 Q. Mr. Kasprzyk, around that time, was it typical for DEA  
03:51PM 5 special agents to work with partners?

03:51PM 6 A. Yes.

03:51PM 7 Q. Do you recall anybody who was a partner with the  
03:51PM 8 defendant?

03:51PM 9 A. Over the years, I mean, in that time period of 2009, I  
03:51PM 10 believe he was working with a task force agent by the name of  
03:51PM 11 Joe Palmieri.

03:51PM 12 Q. Mr. Kasprzyk, I want to move on and talk to you about  
03:51PM 13 some of the duties and policies that DEA special agents were  
03:52PM 14 expected to follow back in 2009.

03:52PM 15 Were there rules or policies about DEA special agents  
03:52PM 16 signing people up to work as confidential sources?

03:52PM 17 A. Yes, sir.

03:52PM 18 Q. Can you describe for the jury what a confidential source  
03:52PM 19 is?

03:52PM 20 A. A confidential source is someone that comes to the DEA  
03:52PM 21 and works for the DEA as a cooperating individual, someone  
03:52PM 22 that would actually be able to provide information on  
03:52PM 23 drug-trafficking activities, or someone that you could use to  
03:52PM 24 assist the DEA in purchasing narcotics as part of an  
03:52PM 25 undercover operation to support a drug investigation.

03:52PM 1 Q. Were confidential sources an important part of DEA  
03:52PM 2 casework?

03:52PM 3 A. Yes.

03:52PM 4 Q. Why?

03:52PM 5 A. Well, it's essential to get information about  
03:52PM 6 drug-trafficking organizations. And in my time at the DEA,  
03:52PM 7 the people who could best provide that information about a  
03:53PM 8 drug-trafficking organization were often the people that were  
03:53PM 9 involved with those drug-trafficking organizations. And so  
03:53PM 10 confidential informants usually had that type of information,  
03:53PM 11 and it was critical to the success of our mission at the DEA.

03:53PM 12 Q. Now, Mr. Kasprzyk, is a confidential source different  
03:53PM 13 than a source of information as those terms are used at the  
03:53PM 14 DEA?

03:53PM 15 A. There's a slight difference, yes.

03:53PM 16 Q. Can you describe that slight difference to the jury,  
03:53PM 17 please?

03:53PM 18 A. A confidential informant is someone that is registered  
03:53PM 19 with the DEA. So, we would get information from him, we  
03:53PM 20 would actually have to give that individual a number so that  
03:53PM 21 when we wrote a report and we would talk about that -- that  
03:53PM 22 informant's information, we would refer to that person by  
03:53PM 23 number only, not by his name or her name.

03:53PM 24 There's a vetting process that the DEA has to go  
03:54PM 25 through when they sign up a confidential informant. So you

03:54PM 1 take your pictures, you take your fingerprints, you do a  
03:54PM 2 debriefing form, and you have them sign various DEA documents  
03:54PM 3 to ensure that they understand exactly what they're going to  
03:54PM 4 be doing for the DEA.

03:54PM 5 Q. So let's focus in a little bit on some of the rules and  
03:54PM 6 policies about signing somebody up to be a source.

03:54PM 7 First, can you just tell us, were there rules or policies  
03:54PM 8 about signing somebody up to work as a confidential source?

03:54PM 9 A. Yes, there's DEA policy on signing up informants.

03:54PM 10 Q. Can you describe that policy for the jury?

03:54PM 11 A. Well, as I mentioned, you have to meet with them, you  
03:54PM 12 have to take fingerprints, photographs. There are forms that  
03:54PM 13 you have to complete, to include a DEA 473, that's a  
03:54PM 14 cooperating individual form that they have to sign. There's  
03:54PM 15 also a DEA 512, I believe, that would be another form that's  
03:55PM 16 done to help establish that informant.

03:55PM 17 Q. Were there also forms that would need to be filled out if  
03:55PM 18 you interacted with somebody who was a source of information  
03:55PM 19 as opposed to a confidential source?

03:55PM 20 A. No. A source of information is treated differently. A  
03:55PM 21 source of information may provide information about  
03:55PM 22 drug-trafficking activities, but that person is not a  
03:55PM 23 registered informant. That person cannot go out and act in  
03:55PM 24 an undercover capacity for you or for the DEA.

03:55PM 25 Q. But if a source of information is providing information

03:55PM 1 about drug-trafficking activities like you just said, would  
03:55PM 2 that kind of an interaction need to be documented by the DEA  
03:55PM 3 special agent?

03:55PM 4 A. Yes, sir, it would.

03:55PM 5 Q. Was it important to document interactions that  
03:55PM 6 somebody -- that a special agent had with a source of  
03:56PM 7 information?

03:56PM 8 A. Yes.

03:56PM 9 Q. Why?

03:56PM 10 A. It's important to help document information so that we  
03:56PM 11 could take that data and put that data into our case  
03:56PM 12 management system, the DEA case management system, to -- to  
03:56PM 13 just be able to use it for other investigations, or maybe the  
03:56PM 14 investigation that was being started as a result of the  
03:56PM 15 source's information.

03:56PM 16 Q. You told us that it's important to document interactions  
03:56PM 17 with sources of information. Is it also important for DEA  
03:56PM 18 special agents to document interactions with confidential  
03:56PM 19 sources?

03:56PM 20 A. Yes, sir.

03:56PM 21 Q. Why?

03:56PM 22 A. In the DEA, when you meet with an informant, there are  
03:56PM 23 rules on how those meetings go. You have to meet with them  
03:56PM 24 with another agent. And afterwards, you have to record and  
03:56PM 25 write down everything that the informant tells you.

03:56PM 1 Q. And why is that important?

03:56PM 2 A. Again, to -- to preserve the integrity of the  
03:56PM 3 investigation, and to make sure that you're keeping an  
03:57PM 4 accurate record of the conversations that you're having with  
03:57PM 5 the informant.

03:57PM 6 Q. In one of your earlier answers, you told us that it was  
03:57PM 7 protocol to identify a confidential source by a number as  
03:57PM 8 opposed to their name. Why was that the protocol as you  
03:57PM 9 understood it?

03:57PM 10 A. There -- there are DEA policy rules, as it relates to the  
03:57PM 11 confidentiality of informants. And, so, those rules -- to  
03:57PM 12 follow those rules, it's important that we number the  
03:57PM 13 informant and refer to that informant only by number to  
03:57PM 14 ensure confidentiality.

03:57PM 15 Q. Mr. Kasprzyk, were there policies or rules that at the  
03:57PM 16 DEA about using personal friends as confidential sources?

03:57PM 17 A. Yes.

03:57PM 18 Q. What were those rules?

03:57PM 19 A. The rules were you should not sign up friends as  
03:57PM 20 confidential informants.

03:57PM 21 Q. As you understood it, why was that the policy?

03:57PM 22 A. That was the policy because it would create a conflict of  
03:58PM 23 interest between the agent and the friend.

03:58PM 24 Q. If you learned that a special agent had signed up a  
03:58PM 25 personal friend as a confidential source, as the supervisor,

03:58PM 1 what would you do?

03:58PM 2 A. I would not allow that to happen. I would move the  
03:58PM 3 informant, you know, the control of the informant, I would  
03:58PM 4 move the control of the informant to another agent in the  
03:58PM 5 office.

03:58PM 6 Q. Mr. Kasprzyk, I want to move on and talk about a  
03:58PM 7 particular incident that occurred in 2009.

03:58PM 8 **MR. DICKSON:** I'd like to show the witness only  
03:58PM 9 Government Exhibit 30A, please.

03:58PM 10 **BY MR. DICKSON:**

03:58PM 11 Q. Can you see that okay, sir?

03:58PM 12 A. I can now, yes.

03:58PM 13 Q. Great. Do you recognize this document that you see on  
03:58PM 14 your screen?

03:58PM 15 A. Yes, sir.

03:58PM 16 Q. Generally, what is it?

03:59PM 17 A. This is a DEA-6, which is a report of investigation.

03:59PM 18 That's what we call reports in the DEA, we call them a DEA-6.

03:59PM 19 They're put on a DEA-6 form.

03:59PM 20 Q. We'll talk more about what's in the form in just a  
03:59PM 21 second, Mr. Kasprzyk.

03:59PM 22 A. Yes, sir.

03:59PM 23 Q. Can you just tell us who's the author of this form?

03:59PM 24 A. It was written by Special Agent Joseph Bongiovanni.

03:59PM 25 Q. And have you seen this form before?

03:59PM 1 A. Yes.

03:59PM 2 Q. Is it a fair and accurate copy of this DEA-6 as you've  
03:59PM 3 seen it originally?

03:59PM 4 A. Yes, sir.

03:59PM 5 **MR. DICKSON:** Your Honor, at this time, the  
03:59PM 6 government moves 30A into evidence.

03:59PM 7 **MR. SINGER:** No objection.

03:59PM 8 **THE COURT:** Received without objection.

03:59PM 9 **(GOV Exhibit 30A was received in evidence.)**

03:59PM 10 **MR. DICKSON:** Can we publish to the jury, please?

03:59PM 11 **THE COURT:** You may.

03:59PM 12 **MR. DICKSON:** Thank you.

03:59PM 13 **THE CLERK:** You're all set.

03:59PM 14 **MR. DICKSON:** Thank you.

03:59PM 15 **BY MR. DICKSON:**

03:59PM 16 Q. Mr. Kasprzyk, as the jury is looking at Government  
03:59PM 17 Exhibit 30A, can you explain generally what this form is?

03:59PM 18 A. Yes, sir. This is a report of investigation form,  
04:00PM 19 commonly known as the DEA-6 within the DEA agency. This form  
04:00PM 20 is used when agents need to document and record the results  
04:00PM 21 of an interview or maybe some sort of investigative activity  
04:00PM 22 that they need to add to their case file.

04:00PM 23 Q. Is this kind of form made all the time by DEA special  
04:00PM 24 agents?

04:00PM 25 A. Yes, sir.

04:00PM 1 Q. Now you told us that the defendant was the author of this  
04:00PM 2 document. If you look in box number 8 there, what was the  
04:00PM 3 date that this form was prepared?

04:00PM 4 A. November 6th, 2009.

04:00PM 5 Q. And then if we look in box number 9, it says other  
04:00PM 6 officers. Who are the other officers listed there?

04:00PM 7 A. G.S. Kasprzyk, FBI G.S. James Jancewicz, and USPO Peter  
04:01PM 8 Lepiane.

04:01PM 9 Q. Why do other officers get listed on DEA-6 forms like  
04:01PM 10 this?

04:01PM 11 A. Typically, other officers are listed when they have some  
04:01PM 12 involvement with the investigation.

04:01PM 13 Q. Let's look at the form -- or, excuse me, the box that  
04:01PM 14 says file number up at the top. File number, box 3.

04:01PM 15 A. Yes, sir.

04:01PM 16 Q. What does a file number indicate?

04:01PM 17 A. That is the particular case investigation that is  
04:01PM 18 referenced for the 6.

04:01PM 19 Q. And is that file number or is a file number listed on  
04:01PM 20 every DEA-6 form that gets filled out?

04:01PM 21 A. Yes, sir.

04:01PM 22 Q. And then let's look at box number 4, please.

04:01PM 23 So Mr. Kasprzyk, can you tell the jury what box number 4  
04:02PM 24 says and what that means?

04:02PM 25 A. That's a G-DEP identifier.

04:02PM 1 Q. What is a G-DEP identifier?

04:02PM 2 A. That is an classification, internal classification system  
04:02PM 3 that DEA uses to classify and code every investigation that's  
04:02PM 4 being conducted.

04:02PM 5 Q. Let's go to box number 6, please.

04:02PM 6 Box number 6 says file title. What's the name that's  
04:02PM 7 listed there?

04:02PM 8 A. It's Matthew Scalia.

04:02PM 9 Q. Mr. Kasprzyk, is the name that is listed as the file  
04:02PM 10 title, is that always the main target of the investigation?

04:02PM 11 A. Typically, yes.

04:02PM 12 Q. But is it always the main target?

04:02PM 13 A. Yes.

04:02PM 14 **MR. DICKSON:** We can go down to the bottom of the  
04:03PM 15 page there. Let's zoom in on boxes 12, 13, 14, and 15,  
04:03PM 16 please.

04:03PM 17 **BY MR. DICKSON:**

04:03PM 18 Q. So at the bottom of this page here, Mr. Kasprzyk, whose  
04:03PM 19 name is listed in the box 12, the signature box?

04:03PM 20 A. Special Agent Joseph Bongiovanni.

04:03PM 21 Q. What does it indicate to you that Mr. Bongiovanni's name  
04:03PM 22 is listed in that box number 12 there?

04:03PM 23 A. That he would have prepared that DEA-6.

04:03PM 24 Q. Below that, in the box below, whose name is listed?

04:03PM 25 A. Dale Kasprzyk, group supervisor.

04:03PM 1 Q. And that's you, right?

04:03PM 2 A. Yes, sir.

04:03PM 3 Q. Okay. Why is your name in that box?

04:03PM 4 A. I would have been the supervisor that would have reviewed  
04:03PM 5 the report and signed it.

04:03PM 6 Q. Is that your signature there?

04:03PM 7 A. Yes, sir.

04:03PM 8 Q. Why does a supervisor have to sign off on a DEA-6?

04:03PM 9 A. It is DEA policy for the DEA supervisor to review every  
04:04PM 10 report of investigation that's submitted by agents.

04:04PM 11 **MR. DICKSON:** We can take the zoom off, please.

04:04PM 12 **BY MR. DICKSON:**

04:04PM 13 Q. Now, Mr. Kasprzyk, when you sign a form like this, are  
04:04PM 14 you --

04:04PM 15 **MR. DICKSON:** Oh, I'm sorry, can we leave the exhibit  
04:04PM 16 up, please? Thank you.

04:04PM 17 **BY MR. DICKSON:**

04:04PM 18 Q. When you sign a form like this, are you as the supervisor  
04:04PM 19 independently verifying every single fact that is in this  
04:04PM 20 form?

04:04PM 21 A. No, sir.

04:04PM 22 Q. Why not?

04:04PM 23 A. Well, it would be impossible for me to do that. I'm  
04:04PM 24 relying upon the agent's report to provide me the information  
04:04PM 25 that I need to look at and to review. I wouldn't be able to

04:04PM 1 go out and independently verify everything that every agent  
04:04PM 2 or task force agent does in the office.

04:04PM 3 Q. Whose job was it to make sure that the details included  
04:04PM 4 in this report were accurate and truthful?

04:04PM 5 A. The author of the report, S.A. Bongiovanni.

04:05PM 6 Q. I want to move now to the details section of the report,

04:05PM 7 Mr. Kasprzyk. Do you see that there?

04:05PM 8 A. Yes, sir.

04:05PM 9 Q. I want to start with paragraph 2, please.

04:05PM 10 Can you please read the first three sentences of  
04:05PM 11 paragraph 2 for the jury?

04:05PM 12 A. On November 1st, 2009, S.A. Joseph Bongiovanni received a  
04:05PM 13 telephone call from Peter G. Gerace. Gerace has acted as a  
04:05PM 14 confidential source, and has been able to provide information  
04:05PM 15 regarding individuals in this case file and other narcotic  
04:05PM 16 investigation in the past. It should be known that Gerace is  
04:05PM 17 presently on federal parole and supervised release.

04:05PM 18 Q. Mr. Kasprzyk, who did the defendant identify as a former  
04:05PM 19 DEA confidential source in that paragraph?

04:05PM 20 A. Peter G. Gerace.

04:06PM 21 Q. Earlier you said that it was DEA policy to identify  
04:06PM 22 confidential sources by number as opposed to by name. Was  
04:06PM 23 Mr. Gerace identified by number or by name in this report?

04:06PM 24 A. By name.

04:06PM 25 Q. Can you go ahead and read the rest of the paragraph,

04:06PM 1 please?

04:06PM 2 A. At this time, Gerace advised S.A. Bongiovanni that United  
04:06PM 3 States Probation Officer Peter Lepiane and agents of the FBI  
04:06PM 4 initiated a search of Pharaoh's Gentlemen's Club located at  
04:06PM 5 23 Aero Drive in Cheektowaga, New York on or about  
04:06PM 6 October 31st, 2009. It should be known that Gerace is  
04:06PM 7 associated with Pharaoh's Gentlemen's Club.

04:06PM 8 Q. At the time of this report, Mr. Kasprzyk, did you know  
04:06PM 9 what Pharaoh's Gentlemen's Club was?

04:06PM 10 A. I did.

04:07PM 11 Q. In that last sentence with the parenthesis there, the  
04:07PM 12 defendant talks about Peter Gerace being associated with  
04:07PM 13 Pharaoh's Gentlemen's Club. Do you know how the defendant  
04:07PM 14 knew that Peter Gerace was associated with Pharaoh's  
04:07PM 15 Gentlemen's Club?

04:07PM 16 A. I'm not sure how he knew about Gerace's relationship with  
04:07PM 17 Pharaoh's. I -- I'm not sure.

04:07PM 18 Q. Was there ever a point, Mr. Kasprzyk, when the defendant  
04:07PM 19 disclosed to you whether he was personal friends with Peter  
04:07PM 20 Gerace?

04:07PM 21 A. He told me that he knew Gerace from years past in the  
04:07PM 22 neighborhood, but did not disclose with me that he was  
04:07PM 23 personal friends with Gerace.

04:07PM 24 Q. Let's go to paragraph 3, please. Can you read  
04:07PM 25 paragraph 3 for the jury, please, Mr. Kasprzyk?

04:07PM 1 A. Gerace advised S.A. Bongiovanni that he was administered  
04:08PM 2 a urine test to detect the presence of narcotics in his  
04:08PM 3 urine.

04:08PM 4 Gerace advised S.A. Bongiovanni that he failed the urine  
04:08PM 5 test due to the presence of trace amounts of cocaine detected  
04:08PM 6 in his urine.

04:08PM 7 Gerace advised S.A. Bongiovanni that he believed he had  
04:08PM 8 now violated his term of supervised release.

04:08PM 9 Gerace stated that he was prepared to offer information  
04:08PM 10 regarding individuals who are trafficking in narcotics in the  
04:08PM 11 Buffalo area.

04:08PM 12 Gerace stated he wanted to offer this information in lieu  
04:08PM 13 of consideration on this pending supervised release violation  
04:08PM 14 due to the failed urine test.

04:08PM 15 Q. Mr. Kasprzyk, the sentence that says Gerace stated that  
04:08PM 16 he was prepared to offer information regarding individuals  
04:08PM 17 who are trafficking in narcotics, what did you understand  
04:08PM 18 that statement to mean?

04:08PM 19 A. It was my impression that Gerace wanted to become a  
04:09PM 20 confidential informant, work for the DEA, in exchange for  
04:09PM 21 some sort of consideration for his supervised release  
04:09PM 22 violation.

04:09PM 23 Q. Was information about individuals who are trafficking in  
04:09PM 24 narcotics in the Buffalo area something that the DEA would  
04:09PM 25 have been interested in investigating in 2009?

04:09PM 1 A. Yes, sir.

04:09PM 2 **MR. DICKSON:** Let's go to the second page, please, of  
04:09PM 3 this exhibit. And if we can zoom in on paragraph 4.

04:09PM 4 **BY MR. DICKSON:**

04:09PM 5 Q. Can you read that paragraph for the jury?

04:09PM 6 A. On November 2nd, 2009, Gerace arrived at the DEA Buffalo  
04:09PM 7 resident office and spoke briefly to S.A. Bongiovanni.

04:09PM 8 Gerace stated that he knew significant cocaine

04:09PM 9 traffickers capable of moving kilo quantities of cocaine out  
04:09PM 10 of various distribution houses located in the North Buffalo  
04:10PM 11 and South Buffalo areas.

04:10PM 12 Gerace stated that he would not offer additional  
04:10PM 13 information until he received a good-faith commitment from  
04:10PM 14 USPO Lepiane that he would receive consideration on his  
04:10PM 15 violation in lieu of information he is willing to provide.

04:10PM 16 Q. First, Mr. Kasprzyk, where it said that Gerace knew  
04:10PM 17 significant cocaine traffickers capable of moving kilo  
04:10PM 18 quantities of cocaine, what does "kilo quantities" mean?

04:10PM 19 A. A kilo is a kilogram of cocaine, 2.2 pounds.

04:10PM 20 Q. Earlier you mentioned that back in 2009, the DEA was  
04:10PM 21 interested in investigating cases involving cocaine. Based  
04:10PM 22 on what you read and reviewed in this paragraph, would  
04:10PM 23 Mr. Gerace have been somebody who could have provided  
04:10PM 24 valuable information in a drug investigation?

04:10PM 25 A. Yes.

04:10PM 1 Q. Mr. Kasprzyk, did you ever get any indication from the  
04:11PM 2 defendant about how he knew -- or, excuse me, any indication  
04:11PM 3 from the defendant that he had asked Peter Gerace how he knew  
04:11PM 4 these significant cocaine traffickers?

04:11PM 5 A. No, not -- not that I'm aware of, no.

04:11PM 6 **MR. DICKSON:** Let's go to paragraph 5, please.

04:11PM 7 **BY MR. DICKSON:**

04:11PM 8 Q. Can you read that for the jury?

04:11PM 9 A. Later on that same date, S.A. Bongiovanni reported this  
04:11PM 10 information to G.S. Kasprzyk of the Buffalo resident office.

04:11PM 11 G.S. Kasprzyk contacted FBI G.S. James Jancewicz to  
04:11PM 12 better understanding the FBI's interest in Gerace, as well as  
04:11PM 13 their participation in the search at the Pharaoh's club.

04:11PM 14 FBI G.S. Jancewicz said that the FBI was very interested  
04:11PM 15 in interviewing Gerace on various issues regarding the  
04:11PM 16 Pharaoh's club and other FBI investigations.

04:12PM 17 Q. Who is G.S. Jancewicz?

04:12PM 18 A. G.S. Jancewicz is Jim Jancewicz. He is the group  
04:12PM 19 supervisor, or was the group supervisor of the FBI drug task  
04:12PM 20 force.

04:12PM 21 Q. Why did you call G.S. Jancewicz after the defendant  
04:12PM 22 shared this information with you?

04:12PM 23 A. Well, it was clear from my conversations with Joe  
04:12PM 24 Bongiovanni that -- that the FBI was involved in the  
04:12PM 25 investigation of Pharaoh's, and that under those

04:12PM 1 circumstances, with the FBI having significant interest in  
04:12PM 2 that -- that location as well as Mr. Gerace, it was important  
04:12PM 3 for us as an agency to work cooperatively with the FBI and  
04:12PM 4 share with them what we -- what we potentially knew from  
04:12PM 5 Mr. Gerace.

04:12PM 6 Q. Why was it important for agencies to share information?

04:12PM 7 A. Because in -- in drug investigations, it's important to  
04:13PM 8 share and deconflict so that we are all working in the same  
04:13PM 9 direction when it comes to case investigations.

04:13PM 10 Q. Can you explain to the jury what it means to deconflict?

04:13PM 11 A. Yes, sir. Deconfliction is the process by which all  
04:13PM 12 federal agencies work towards ensuring that we are not  
04:13PM 13 targeting individuals and working on the same individuals,  
04:13PM 14 same targets of investigation, without each other's  
04:13PM 15 knowledge.

04:13PM 16 That's important when you're conducting undercover  
04:13PM 17 operations. If we all have similar targets, we want to make  
04:13PM 18 sure that we're not creating a blue-on-blue situation when  
04:13PM 19 we're out there doing undercover operations.

04:13PM 20 So we create a deconfliction process to ensure that  
04:13PM 21 everyone understands what each other is doing.

04:13PM 22 Q. Mr. Kasprzyk, after you spoke to G.S. Jancewicz, what, if  
04:13PM 23 anything, did you say to the defendant about that  
04:14PM 24 conversation?

04:14PM 25 A. I explained to Joe that the FBI is interested in working

04:14PM 1 with Gerace, and would like to talk with him, and that Joe  
04:14PM 2 should follow up with the FBI and ensure that that occurs.

04:14PM 3 Q. If the FBI had not been interested in working with Peter  
04:14PM 4 Gerace, what would you as the supervisor have expected the  
04:14PM 5 defendant to do with Peter Gerace?

04:14PM 6 A. So, this particular individual was on federal parole or  
04:14PM 7 supervised release. And to be able to work with that  
04:14PM 8 individual as a confidential informant, we would have to  
04:14PM 9 receive appropriate -- appropriate approvals from the Court  
04:14PM 10 to be able to make that happen.

04:14PM 11 Q. So are you saying that you would have expected the  
04:14PM 12 defendant to try to work with Peter Gerace as a confidential  
04:15PM 13 source or informant?

04:15PM 14 A. If that was something that we could work out with the  
04:15PM 15 United States Probation Office, as well as the U.S.  
04:15PM 16 Attorney's Office, as well as the judge that was responsible  
04:15PM 17 for his supervised release.

04:15PM 18 Q. And even if it wasn't possible to do that, Mr. Kasprzyk,  
04:15PM 19 would the DEA have been interested in investigating Peter  
04:15PM 20 Gerace or Pharaoh's Gentlemen's Club?

04:15PM 21 A. Yes, sir.

04:15PM 22 **MR. DICKSON:** Can we move to paragraph 6, please?

04:15PM 23 **BY MR. DICKSON:**

04:15PM 24 Q. Can you go ahead and read that, please, sir?

04:15PM 25 A. G.S. Kasprzyk instructed S.A. Bongiovanni to set up an

04:15PM 1 interview with Gerace and FBI agents in the near future.

04:15PM 2 S.A. Bongiovanni has contacted the FBI Buffalo office,  
04:15PM 3 and plans are being formulated for this meeting.

04:15PM 4 S.A. Bongiovanni has contacted USPO Lepiane, and informed  
04:15PM 5 him of Gerace's willingness to cooperate with DEA and FBI in  
04:16PM 6 lieu of consideration on penalties pending due to his  
04:16PM 7 violation of supervised release.

04:16PM 8 USPO Lepiane stated that he would discuss this issue with  
04:16PM 9 AUSA Anthony Bruce, and would later advise.

04:16PM 10 Q. Mr. Kasprzyk, did the defendant ever tell you that he had  
04:16PM 11 set up an interview between Mr. Gerace and the FBI?

04:16PM 12 A. He did not.

04:16PM 13 Q. Do you know whether that interview ever happened?

04:16PM 14 A. I do not --

04:16PM 15 Q. I'm sorry, go ahead.

04:16PM 16 A. -- I do not know if that happened.

04:16PM 17 Q. Did the defendant ever ask you, as his supervisor, to  
04:16PM 18 sign off on a DEA-6 about any kind of meeting that the  
04:16PM 19 defendant had between Mr. Gerace and the FBI?

04:16PM 20 A. Not that I can recall.

04:16PM 21 Q. As far as you're aware, Mr. Kasprzyk, did the defendant  
04:16PM 22 ever recuse himself from any kind of investigation or work  
04:16PM 23 involving Mr. Gerace?

04:16PM 24 A. No, sir.

04:16PM 25 Q. Anywhere in this document that we just looked at,

04:17PM 1 Mr. Kasprzyk, did the defendant include a way for others to  
04:17PM 2 contact Mr. Gerace if they needed to in the future?

04:17PM 3 A. No.

04:17PM 4 Q. During this time, 2009, did the DEA special agents in  
04:17PM 5 your group have weekly meetings with each other?

04:17PM 6 A. Yes, sir.

04:17PM 7 Q. Why?

04:17PM 8 A. That was a meeting that was conducted at my direction.

04:17PM 9 And the purpose of that meeting was for me to get together  
04:17PM 10 with all of the agents and task force agents on a weekly  
04:17PM 11 basis and have them talk amongst themselves and with me on  
04:17PM 12 the status of their current investigations and any new  
04:17PM 13 investigations that they might have forthcoming.

04:17PM 14 Q. And why did you think that it was important for agents to  
04:17PM 15 share investigations that they were working on?

04:17PM 16 A. We talked about deconfliction earlier. Deconfliction  
04:17PM 17 also occurs within the DEA office. There needs to be some  
04:18PM 18 level of assurance that everyone within my group, within the  
04:18PM 19 group Delta 57, as well as other agents in the office, knew  
04:18PM 20 what each other were doing. So it was an opportunity for us  
04:18PM 21 to talk and share notes about cases, and see if there's ways  
04:18PM 22 that we could work with each other to make the case go  
04:18PM 23 better.

04:18PM 24 Q. Around this time, Mr. Kasprzyk, from this report, do you  
04:18PM 25 recall the defendant ever mentioning any meeting that he had

04:18PM 1 with Peter Gerace and the FBI?

04:18PM 2 A. Not that I recall, no.

04:18PM 3 Q. Do you recall the defendant ever mentioning that he had  
04:18PM 4 passed Peter Gerace off to the FBI for them to work as a  
04:18PM 5 source?

04:18PM 6 A. No, sir.

04:18PM 7 Q. Mr. Kasprzyk, as far as you're aware, was Peter Gerace  
04:18PM 8 ever signed up as an official confidential source for the  
04:18PM 9 DEA?

04:18PM 10 A. Not that I'm aware of, no.

04:18PM 11 Q. As far as you're aware, Mr. Kasprzyk, did the defendant  
04:18PM 12 ever use Peter Gerace as a confidential source?

04:19PM 13 A. Not that I'm aware of, no, sir.

04:19PM 14 Q. Mr. Kasprzyk, when was the last time that you spoke to  
04:19PM 15 the defendant?

04:19PM 16 A. It would have been right after he retired. And I'm gonna  
04:19PM 17 say maybe 2019. About five years ago.

04:19PM 18 Q. Was that a telephone call?

04:19PM 19 A. Yes.

04:19PM 20 Q. Can you describe what the defendant said to you on that  
04:19PM 21 telephone call?

04:19PM 22 A. Joe was looking for a job. And we talked about him  
04:19PM 23 potentially working at M&T Bank. And I referred him to a  
04:19PM 24 contractor that I knew that was hiring retired law  
04:19PM 25 enforcement officials. And I referred him to that agency to

04:19PM 1 apply for and see if he could get a job with them.

04:19PM 2 Q. During that conversation, Mr. Kasprzyk, did the defendant  
04:19PM 3 bring up the criminal investigation into himself?

04:20PM 4 A. He did.

04:20PM 5 Q. What did he say?

04:20PM 6 A. He seemed very concerned and, you know, said to me that

04:20PM 7 that, you know, he didn't do anything wrong and he felt, you  
04:20PM 8 know, unfairly targeted, and he -- he seemed concerned.

04:20PM 9 Q. Did he name anybody in particular during that piece of  
04:20PM 10 the conversation?

04:20PM 11 A. He talked about an agent from Buffalo, Tony Casullo. He  
04:20PM 12 mentioned Tony Casullo.

04:20PM 13 Q. What did he say about Mr. Casullo?

04:20PM 14 A. He felt like Tony Casullo had it out for him, and had  
04:20PM 15 targeted him, and that might be, you know, causing him  
04:20PM 16 problems.

04:20PM 17 Q. How did you respond?

04:20PM 18 A. I listened. I was sympathetic. I don't really know Tony  
04:20PM 19 Casullo all that well. He came to Buffalo after I had  
04:21PM 20 retired, so I don't have a lot of background on Tony.

04:21PM 21 **MR. DICKSON:** Just a moment, sir.

04:21PM 22 Judge, I have no more questions.

04:21PM 23 **THE COURT:** Cross-examination?

05:00PM 24 (Cross-examination from 4:21 p.m. to 5:00 p.m.)

05:00PM 25 **THE COURT:** Okay. Redirect?

05:00PM 1                   **MR. DICKSON:** Yes, Judge. I promise just a couple  
05:01PM 2 more minutes, sir.

05:01PM 3                   May I proceed?

05:01PM 4                   **THE COURT:** You may, yeah.

05:01PM 5  
05:01PM 6                   **REDIRECT EXAMINATION BY MR. DICKSON:**

05:01PM 7 Q. Mr. Kasprzyk, Mr. Singer asked you some questions about,  
05:01PM 8 I think, drug investigation priorities during his  
05:01PM 9 cross-examination; do you remember that?

05:01PM 10 A. I do, sir.

05:01PM 11 Q. Were 1,000 kilogram marijuana conspiracies a priority for  
05:01PM 12 the DEA back in -- between 2009 and 2013 when you left?

05:01PM 13 A. Yes, that would be a priority.

05:01PM 14 Q. What about if there was a 100-plant marijuana grow  
05:01PM 15 somewhere in the Buffalo area, would that have been a  
05:01PM 16 priority?

05:01PM 17 A. It wouldn't rise to the level of a priority, but it would  
05:01PM 18 be something that we would take a look at, yes.

05:01PM 19 Q. What about kilogram-level dealers of cocaine?

05:01PM 20 A. That's a priority for sure.

05:01PM 21 Q. Mr. Singer also asked you that when you review DEA-6s,  
05:01PM 22 whether you're reviewing things in the report to make sure  
05:01PM 23 they're accurate; do you remember him asking you that?

05:02PM 24 A. I do.

05:02PM 25 Q. Did you independently verify the accuracy of every single

05:02PM 1 fact included in every single DEA-6 that you reviewed?

05:02PM 2 A. I did not, and I do not, no.

05:02PM 3 Q. Why not?

05:02PM 4 A. Sir, because I need to trust that the agents who are

05:02PM 5 preparing those 6s are providing me accurate information.

05:02PM 6 Accurate and honest information.

05:02PM 7 **MR. DICKSON:** Ms. Champoux, can we pull up Government

05:02PM 8 Exhibit 30A, please? It's already in evidence. And if we can

05:02PM 9 zoom in to paragraph 2.

05:02PM 10 **BY MR. DICKSON:**

05:02PM 11 Q. Mr. Kasprzyk, Mr. Singer also asked you after you read

05:02PM 12 this, this paragraph again, that if Mr. Gerace had presently

05:02PM 13 been a confidential source as far as you knew, that you would

05:03PM 14 have sent this report back to the defendant; do you remember

05:03PM 15 that?

05:03PM 16 A. Correct.

05:03PM 17 Q. That sentence says Gerace --

05:03PM 18 **MR. SINGER:** Judge, I'm going to object to the last

05:03PM 19 question, it just misstated and mischaracterized the

05:03PM 20 testimony.

05:03PM 21 **THE COURT:** Yeah, sustained.

05:03PM 22 **MR. DICKSON:** Understood.

05:03PM 23 **BY MR. DICKSON:**

05:03PM 24 Q. Mr. Kasprzyk, that sentence that says Gerace has acted as

05:03PM 25 a confidential source; do you see that sentence there?

05:03PM 1 A. Yes, sir.

05:03PM 2 Q. Now did you verify whether or not Mr. Gerace had ever  
05:03PM 3 acted as a DEA source independently?

05:03PM 4 A. No, sir.

05:03PM 5 Q. Why not?

05:03PM 6 A. Again, because I was trusting what Joe was writing to be  
05:03PM 7 true and accurate when I read it.

05:03PM 8 **MR. DICKSON:** Thank you, sir.

05:03PM 9 Your Honor, I have no questions.

05:03PM 10 **THE COURT:** Anything more?

05:03PM 11 **MR. SINGER:** Yes.

05:05PM 12 (Recross examination from 5:03 p.m. to 5:05 p.m.)

05:05PM 13 **MR. DICKSON:** Nothing further, Judge.

05:05PM 14 **THE COURT:** Okay. You can step down, sir.

05:05PM 15 **THE WITNESS:** Thank you.

05:05PM 16 (Witness excused at 5:05 p.m.)

05:05PM 17 (Excerpt concluded at 5:05 p.m.)

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2 **CERTIFICATE OF REPORTER**

3

4 In accordance with 28, U.S.C., 753(b), I  
5 certify that these original notes are a true and correct  
6 record of proceedings in the United States District Court for  
7 the Western District of New York on February 15, 2024.

8

9

10 s/ Ann M. Sawyer

11 Ann M. Sawyer, FCRR, RPR, CRR  
Official Court Reporter  
U.S.D.C., W.D.N.Y.

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